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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,435	11/02/2000	Nir Ben-Zvi	63512/JPW/GJC	4779

7590 10/27/2004

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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,435

Applicant(s)

BEN-ZVI, NIR

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on June 23, 2004. Previous office action contained claims 1-13. Applicant amended claims 1-4 and 9, and canceled claim 13. Amendment filed on June 23, 2004 have been entered and made of record. Therefore, pending claims 1-12 are presented for further consideration and examination.

Response to Arguments

Applicant's arguments and amendments filed on June 23, 2004 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., ***wherein, whenever said coordination center of said network receives from one or more of said other users one or more requests for said received data entities, said coordination center points to the corresponding user(s) from which said requested data entities can be obtained, and causes the requested data entities to be retransmitted to the requesting other user(s).***) to the claims which significantly affected the scope thereof.

Applicants' arguments with respect to currently amended claims 1-12 have been considered but are moot in view of the ground(s) rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ice U.S.

Patent 5,884,031 in view of Holt, III. (Hereafter, Holt) U.S. Patent 6,324,565.

3. Referring to claims 1 and 9, Ice reference discloses receiving one or more data entities (eg. information) from said network by at least one user (eg. information send from server A to clients C1 and C2), storing said data entity on said user's storage device for a predetermined period of time for further user (eg. storing information from the server A in clients C1 and C2), re-transmitting said received data to other users (Abstract; Figures 1, and 2; col. 2, lines 23-35, and lines 55-62); however, Ice reference fails to teach providing a coordination center for tracking data entities distributed over said data network, wherein, whenever said coordination center of said network receives from one or more of said other users one or more requests for said received data entities, said coordination center points to the corresponding user(s) from which said requested data entities can be obtained, and causes the requested data entities to be retransmitted to the requesting other user(s).

Holt teaches a providing a coordination center (eg. intermediate server) for tracking data entities (eg. document) distributed over said data network, wherein, whenever said coordination center (eg. intermediate server) of said network receives from one or more of said other users (eg. client 10) one or more requests for said received data entities (eg. Holt's figure 1 teaches an intermediate server 12 received a document request from client 10), said coordination center points to the corresponding user(s) (eg. ordinary server 16) from which said requested data

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entities can be obtained, and causes the requested data entities to be retransmitted to the requesting other user(s) (Figures 1 and 2; col. 7, lines 23-36 and lines 61-67).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Holt's teaching into Ice's method to allow the coordination center to retrieve the data entities located at corresponding user(s) and transmitted the data entities to others user; as a result, it save a significant transmission time and bandwidth, particularly if the ordinary server is located closer to the intermediate server than to the content providing server.

4. Referring to claim 3, Ice reference discloses the re-transmission the information of received data to said the other users is carried out after download time (col. 2,).

5. Referring to claims 4 and 11, Ice reference discloses receiving said data by said user, storing said received data on said user's computer system and re-transmitting said data from the user's location to said users through said upstream channel bandwidth in response to a request or according to pre-defined operation instructions (Abstract; Figure 1; and col. 2, lines 8-22).

6. Referring to claims 5 and 12, Ice reference discloses receiving data on said user's computer system, causing said received data to be re-transmitted through said upstream channel bandwidth from said user to a first group (C1 and C2) of one or more other users, causing said received data to be re-transmitted through said upstream channel bandwidth from said first group of users to a further group (C3-C6, Cs) of one or more other users; and repeating step (c) for all said users requesting the same said data (Abstract; Figure 1; and col. 2, lines 8-35).

7. Referring to claim 6, Ice reference discloses data is transmitted to said user from a plurality of other users (Figure 1).

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8. Referring to claim 7, Ice reference discloses the transmission of data from a user to one or more other user(s) is carried out with delay (Figures 3,4A, and 4B).

9. Referring to claim 8, Ice reference discloses receiving data on said user's computer system, re-transmitting said received data through said upstream channel bandwidth to a dedicated server (Client computer and dedicated server are interchangeable) for storage, and retrieving said stored data from said dedicated server for other purposes (Abstract; Figures 1, and 2; col. 2, lines 23-35, and lines 55-62).

10. Referring to claim 10, Ice reference discloses the coordination center (server A) comprises storage means and software/hardware component for storing information related to the data passed through the network and for data retrieval (col. 3, lines 1-49).

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ice and Holt.

Ice and Holt reference disclose users C1 and C2 received information from server A and storage it in users storage, and retransmitted the information to the other users; however, the examiner takes an official notice that the re-transmission of received data to others users is carried out during download time or re-transmit on the fly is known in the art which data is transmitted a portion of unfinished receiving data. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to retransmit data to other users on-the-fly while receiving said data from server into Ice's invention because it would enable to reduce the delivery time to other users by waiving the waiting time of the last receiving data.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Delaney et al. U.S. Patent 6,374,289 disclose a distributed client-based data caching system.

O'Neil et al. U.S. Patent 6,218,279 disclose a system for balancing loads among network servers.

Narendran et al. U.S. Patent 6,070,191 disclose a data distribution techniques for load-balanced fault-tolerant web access.

Boyle U.S. Patent 5,864,854 discloses a system and method for maintaining a shared cache look-up table.

Gupta et al. U.S. Patent 6,567,857 disclose a method and apparatus for dynamic proxy insertion in network traffic flow.

Antonov U.S. Patent 5,884,046 discloses an apparatus and method for sharing data and routing messages between a plurality of workstations in a local area network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H. Nguyen
Examiner
Art Unit 2143

William C. Vaughn
Primary Examiner
Art Unit 2143